

**Filed**

MAR 26 2015

**UNITED STATES DISTRICT COURT**

**CY } 15 80101 MISC.**

Mo. Case No.:

**DECLARATION OF TIMOTHY CHAO  
PURSUANT TO LOCAL RULE 79-5(D)  
IN SUPPORT OF GOOGLE'S  
RENEWED ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
PORTIONS OF ITS MOTION TO  
COMPEL PALO ALTO RESEARCH  
CENTER TO PRODUCE DOCUMENTS  
IN RESPONSE TO SUBPOENA AND  
CERTAIN EXHIBITS THERETO**

V.

Defendant.

CHAO DECLARATION ISO GOOGLE'S RENEWED MOTION TO SEAL

**KAYE** | **SCHOLER**<sup>LLP</sup>

**TAXED**

## DECLARATION OF TIMOTHY CHAO

I, Timothy Chao, declare as follows:

1. I am an attorney admitted to practice law in the State of California (Bar No. 261720). I am an associate in the law firm of Kaye Scholer LLP and counsel for Google Inc. ("Google"), the defendant in the above-captioned action.

2. I have personal knowledge of the facts stated in this declaration, and if called as a witness I could and would testify competently thereto. This declaration is made in support of Google's Renewed Administrative Motion To File Under Seal Its Motion To Compel Palo Alto Research Center Inc. To Produce Documents In Response To Subpoena And Certain Documents In Support Of Google's Motion.

3. Attached hereto as Exhibit A, is a true and correct copy of the Amended Protective Order (Dkt No. 69) ("Amended Protective Order") entered on June 6, 2014, in the related case *ContentGuard Holdings, Inc v. Google Inc.*, Case No. 2:14-cv-0061.

4. Attached hereto as Exhibit B, is a true and correct copy of the Order Denying Movant's Administrative Motion to File Documents Under Seal entered on March 20, 2015.

5. I have reviewed Google Inc.'s Motion to Compel Palo Alto Research Center Inc. To Produce Documents In Response To Subpoena ("Google's Motion to Compel"). Google's Motion to Compel refers to and includes information contained in the Exhibits described below and in a document ContentGuard clawed-back as privileged.

6. I have reviewed Exhibit 7 to the Declaration of Timothy Chao in Support of Google Inc.'s Motion to Compel. This document may contain Palo Alto Research Center, Inc. ("PARC") confidential information and may be designated "Confidential" or "Highly Confidential – Outside Attorneys' Eyes Only" by PARC or ContentGuard Holdings, Inc. ("ContentGuard") under the Amended Protective Order.

7. I have reviewed Exhibit 8 to the Declaration of Timothy Chao in Support of Google Inc.'s Motion to Compel. This document may contain PARC confidential information and may be

1 designated "Confidential" or "Highly Confidential – Outside Attorneys' Eyes Only" by PARC or  
2 ContentGuard under the Amended Protective Order.

3 8. I have reviewed Exhibit 9 to the Declaration of Timothy Chao in Support of Google  
4 Inc.'s Motion to Compel. This document may contain PARC confidential information and may be  
5 designated "Confidential" or "Highly Confidential – Outside Attorneys' Eyes Only" by PARC or  
6 ContentGuard under the Amended Protective Order.

7 9. I have reviewed Exhibit 10 to the Declaration of Timothy Chao in Support of  
8 Google Inc.'s Motion to Compel. This document may contain PARC confidential information and  
9 may be designated "Confidential" or "Highly Confidential – Outside Attorneys' Eyes Only" by  
10 PARC or ContentGuard under the Amended Protective Order.

11 10. I have reviewed Exhibit 13 to the Declaration of Timothy Chao in Support of  
12 Google Inc.'s Motion to Compel. This document may contain PARC confidential information and  
13 may be designated "Confidential" or "Highly Confidential – Outside Attorneys' Eyes Only" by  
14 PARC or ContentGuard under the Amended Protective Order.

15 11. I have reviewed Exhibit 15 to the Declaration of Timothy Chao in Support of  
16 Google Inc.'s Motion to Compel. This document may contain PARC confidential information and  
17 may be designated "Confidential" or "Highly Confidential – Outside Attorneys' Eyes Only" by  
18 PARC or ContentGuard under the Amended Protective Order.

19 12. I have reviewed Exhibit 16 to the Declaration of Timothy Chao in Support of  
20 Google Inc.'s Motion to Compel. This document has been designated "Highly Confidential –  
21 Outside Attorneys' Eyes Only" by ContentGuard under the Amended Protective Order.

22 13. I have reviewed Exhibit 17 to the Declaration of Timothy Chao in Support of  
23 Google Inc.'s Motion to Compel. This document has been designated "Highly Confidential –  
24 Outside Attorneys' Eyes Only" by ContentGuard under the Amended Protective Order.

25 14. I have reviewed Exhibit 20 to the Declaration of Timothy Chao in Support of  
26 Google Inc.'s Motion to Compel. This document may contain PARC confidential information and  
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may be designated “Confidential” or “Highly Confidential – Outside Attorneys’ Eyes Only” by PARC or ContentGuard under the Amended Protective Order.

15. Google’s Motion to Compel refers to the above-referenced Exhibits or includes information that has been or may be designated as “Confidential” or “Highly Confidential – Outside Attorneys’ Eyes Only” under the Amended Protective Order as described below:

- Page 3, Lines 2-11. This material reflects information from Exhibit 7 to the Declaration of Timothy Chao in Support of Google Inc.’s Motion to Compel, which as described above may be designated as “Confidential” or “Highly Confidential – Outside Attorneys’ Eyes Only” by PARC or ContentGuard under the Amended Protective Order.
- Page 5, Lines 18-20. This material reflects information from a document clawed-back as privileged. This document may be designated as “Confidential” or “Highly Confidential – Outside Attorneys’ Eyes Only” by PARC or ContentGuard under the Amended Protective Order.
- Page 5, Line 22 through Page 6, Line 4. This material reflects information from Exhibit 13 to the Declaration of Timothy Chao in Support of Google Inc.’s Motion to Compel, which as described above may be designated as “Confidential” or “Highly Confidential – Outside Attorneys’ Eyes Only” by PARC or ContentGuard under the Amended Protective Order.
- Page 8, Lines 12-14. This material reflects information from Exhibit 8 to the Declaration of Timothy Chao in Support of Google Inc.’s Motion to Compel, which as described above may be designated as “Confidential” or “Highly Confidential – Outside Attorneys’ Eyes Only” by PARC or ContentGuard under the Amended Protective Order.
- Page 8, Lines 14-15. This material reflects information from Exhibit 15 to the Declaration of Timothy Chao in Support of Google Inc.’s Motion to Compel, which as described above may be designated as “Confidential” or “Highly Confidential –

1 Outside Attorneys' Eyes Only" by PARC or ContentGuard under the Amended  
2 Protective Order.

- 3 • Page 8, Lines 15-19. This material reflects information from Exhibit 10 to the  
4 Declaration of Timothy Chao in Support of Google Inc.'s Motion to Compel, which  
5 as described above may be designated as "Confidential" or "Highly Confidential –  
6 Outside Attorneys' Eyes Only" by PARC or ContentGuard under the Amended  
7 Protective Order.

- 8 • Page 12, Line 18 through Page 13, Line 1. This material reflects information from  
9 Exhibit 7 to the Declaration of Timothy Chao in Support of Google Inc.'s Motion to  
10 Compel, which as described above may be designated as "Confidential" or "Highly  
11 Confidential – Outside Attorneys' Eyes Only" by PARC or ContentGuard under the  
12 Amended Protective Order.

- 13 • Page 13, Lines 26-27. This material reflects information from Exhibit 7 to the  
14 Declaration of Timothy Chao in Support of Google Inc.'s Motion to Compel, which  
15 as described above may be designated as "Confidential" or "Highly Confidential –  
16 Outside Attorneys' Eyes Only" by PARC or ContentGuard under the Amended  
17 Protective Order.

- 18 • Page 13, Line 27 through Page 14, Line 1. This material reflects information from  
19 Exhibit 15 to the Declaration of Timothy Chao in Support of Google Inc.'s Motion  
20 to Compel, which as described above may be designated as "Confidential" or  
21 "Highly Confidential – Outside Attorneys' Eyes Only" by PARC or ContentGuard  
22 under the Amended Protective Order.

- 23 • Page 14, Line 3. This material reflects information from Exhibit 7 to the  
24 Declaration of Timothy Chao in Support of Google Inc.'s Motion to Compel, which  
25 as described above may be designated as "Confidential" or "Highly Confidential –  
26 Outside Attorneys' Eyes Only" by PARC or ContentGuard under the Amended  
27 Protective Order.

- Page 14, Lines 17-19. This material reflects information from Exhibits 7 and 10 to the Declaration of Timothy Chao in Support of Google Inc.'s Motion to Compel, which as described above may be designated as "Confidential" or "Highly Confidential – Outside Attorneys' Eyes Only" by PARC or ContentGuard under the Amended Protective Order.
- Page 17, Line 22. This material reflects information from Exhibits 7 and 10 to the Declaration of Timothy Chao in Support of Google Inc.'s Motion to Compel, which as described above may be designated as "Confidential" or "Highly Confidential – Outside Attorneys' Eyes Only" by PARC or ContentGuard under the Amended Protective Order.
- Page 18, Lines 9-13. This material reflects information from Exhibits 16 and 17 to the Declaration of Timothy Chao in Support of Google Inc.'s Motion to Compel, which has been designated as "Highly Confidential – Outside Attorneys' Eyes Only" by ContentGuard under the Amended Protective Order.
- Page 18, Lines 17-26. This material reflects information from Exhibit 13 to the Declaration of Timothy Chao in Support of Google Inc.'s Motion to Compel, which as described above may be designated as "Confidential" or "Highly Confidential – Outside Attorneys' Eyes Only" by PARC or ContentGuard under the Amended Protective Order.
- Page 20, Lines 16-19. This material reflects information from a document clawed-back as privileged. This document may be designated as "Confidential" or "Highly Confidential – Outside Attorneys' Eyes Only" by PARC or ContentGuard under the Amended Protective Order.
- Page 21, Line 1. This material reflects information from a document clawed-back as privileged. This document may be designated as "Confidential" or "Highly Confidential – Outside Attorneys' Eyes Only" by PARC or ContentGuard under the Amended Protective Order.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 25, 2015 at Palo Alto, California.

Dated: March 25, 2015

Respectfully submitted,

KAYE SCHOLER LLP

By: /s/ Timothy Chao  
Timothy Chao  
Attorneys for Defendant  
GOOGLE

KAYE SCHOLER<sup>LLP</sup>